

Senate File 2327 - Introduced

SENATE FILE 2327
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3021)

A BILL FOR

1 An Act relating to the appointment of counsel for indigent
2 persons by the court in certain cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 815.10, subsection 1, paragraph b, Code
2 2022, is amended to read as follows:

3 b. An indigent person is entitled to the appointment of
4 one attorney in all cases, except ~~that~~ the court may appoint
5 two attorneys in class "A" felony cases ~~the court may appoint~~
6 ~~two attorneys~~ and in cases where an assistant state public
7 defender from the wrongful convictions division of the office
8 of the state public defender enters an appearance after a
9 private attorney has been appointed to represent the indigent
10 person. However, in a class "A" felony case, a person who is
11 represented by a privately retained attorney or by an attorney
12 who has agreed to represent the person is not entitled to have
13 an attorney appointed to represent the person based upon the
14 indigence of the person.

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to the appointment of counsel for indigent
19 persons by the court in certain cases.

20 Current law provides that an indigent person is entitled
21 to the appointment of one attorney in all cases, except that
22 in class "A" felony cases the court may appoint two attorneys
23 under certain circumstances.

24 The bill provides that in addition to cases involving class
25 "A" felonies, the court may also appoint two attorneys when
26 an assistant public defender from the wrongful convictions
27 division of the office of the state public defender enters
28 an appearance after a private attorney has been appointed to
29 represent the indigent person.